

*Desert Rock Energy Company, LLC et al. v. EPA*  
 No. 4:08-cv-872 (S.D. Tex.)  
 Exhibit B to the Declaration of David Gunter

**SETTLEMENTS WITH THE UNITED STATES UNDER 42 U.S.C. § 7604(d), FY06-FY08**

Exh.	Case Name	Court Docket No.	Date	Type of Statutory Duties At Issue	Important Case Events	“Similar Cases”	Amount of Settlement
B1	Sierra Club v. Johnson	D.D.C. 05-cv-750	8/3/05	42 U.S.C. § 7661d(b)(2): Respond to Petition to object to grant of permit	Complaint Stipulation of Dismissal Settlement of fees	✓	\$ 11,981.86
B2	Blue Skies Alliance, et al. v. Johnson	N.D. Tex. 04-cv-2169	10/8/05	42 U.S.C. § 7509(c): Determine whether air quality standards achieved; 42 U.S.C. § 7511(b)(2): Reclassification of attainment area; 42 U.S.C. § 7410(k)(2): Approve or disapprove two state-submitted SIPs	Complaint Opposed intervention motions Consent Decree Settlement of fees (U.S. only)	✓	45,000.00
B3	Missouri Coalition for the Env’t, et al. v. EPA	E.D. Mo. 04-cv-660	12/1/05	42 U.S.C. § 7409(d): Review of air quality standards for lead	Complaint Answer Case management hearing Cross-motions for S.J. Consolidation of two cases Status conference Dismissal Order Amended Complaint Motion for Summary Judgment Motion to Alter Judgment Settlement of fees		60,589.00
B4	Louisiana Env’tl Action Network, et al. v. Johnson	M.D. La. 05-cv-184	12/13/05	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Stipulation of Dismissal Settlement of fees	✓	1,306.50

Exh.	Case Name	Court Docket No.	Date	Type of Statutory Duties At Issue	Important Case Events	"Similar Cases"	Amount of Settlement
B5	Our Childrens' Earth Foundation, et al. v. EPA	N.D. Cal. 05-cv-94	1/16/06	42 U.S.C. § 7411(b)(1)(B): Revise performance standards for 3 categories of major sources	Complaint Opposed intervention motions Consent Decree Settlement of fees	✓	33,091.00
B6	Sierra Club, et al. v. Johnson	N.D. Ill. 05-cv-4425	2/24/06	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Intervention by third party Motion hearing Consent Decree Settlement of fees	✓	3,036.66
B7	Nichols v. Johnson	D.D.C. 05-cv-2215	3/14/06	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Stipulation of Dismissal Settlement of fees	✓	4,736.68
B8	Sierra Club v. Johnson	D.D.C. 05-cv-2177	4/5/06	42 U.S.C. § 7661d(b)(2): Respond to petition to object to permit amendments	Complaint Motion for S.J. (not litigated) Consent Decree Settlement of fees	✓	6,800.00
B9	Our Childrens' Earth Foundation, et al. v. EPA	N.D. Cal. 05-cv-5184	4/6/06	42 U.S.C. § 7412(d)(6): Revise emission standards for major sources	Complaint Answer Case management conference Opposed intervention motion Consent Decree Motion to Alter Judgment Settlement of fees	✓	14,123.34
B10	Environmental Defense v. EPA	N.D. Cal. 05-cv-2090	4/12/06	42 U.S.C. § 7412(b)(3): Respond to petition to list diesel exhaust as pollutant	Complaint Consent Decree Settlement of fees	✓	16,070.00
B11	Sierra Club, et al. v. Johnson	D.D.C. 04-cv-0094	5/17/06	42 U.S.C. § 7521(l)(2): Promulgate emission limits for hazardous pollutants from motor vehicles	Complaint Motion to dismiss (denied) Answer Consent Decree Settlement of fees		67,550.00

Exh.	Case Name	Court Docket No.	Date	Type of Statutory Duties At Issue	Important Case Events	"Similar Cases"	Amount of Settlement
B12	Sierra Club, et al. v. Johnson	D.D.C. 03-cv-2411	6/19/06	42 U.S.C. § 7412(d)(6): Revise emission standards for major sources for six different pollutants; 42 U.S.C. § 7412(f)(2): Promulgate emission standards for categories of major sources	Complaint Opposed motion to consolidate Consolidation of two cases Consent Decree Settlement of fees	✓	4,376.91
B13	Medical Advocates for Healthy Air, et al. v. Johnson	N.D. Cal 06-cv-93	10/6/06	42 U.S.C. § 7410(k)(2): Approve or disapprove state-submitted SIP; 42 U.S.C. § 7410(c)(1): Promulgate a FIP for particulate matter	Complaint Opposed intervention motions Answer Motion for Summary Judgment Motion hearing Judgment granted Settlement of fees		83,134.11
B14	Kentuckians for the Commonwealth, et al. v. Johnson	D.D.C. 06-cv-184	10/19/06	42 U.S.C. § 7411(b)(1)(B): Revise performance standards for category of major sources	Complaint Answer Consent Decree Settlement of fees	✓	16,092.00
B15	Sierra Club, et al. v. EPA	N.D. Ga. 06-cv-1523	3/5/07	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Answer Consent Decree Settlement of fees	✓	12,000.00
B16	Idaho Conservation League, et al. v. Johnson	D.D.C. 07-cv-396	7/6/07	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Stipulation of Dismissal Settlement of fees	✓	4,945.00
B17	Rocky Mountain Clean Air Action, et al. v. Johnson	D.D.C. 06-cv-1419	8/1/07	42 U.S.C. § 7661d(b)(2): Respond to two petitions to object to grant of permits	Complaint Answer Cross-motions for S.J. Stipulation of dismissal Settlement of fees		9,536.00

Exh.	Case Name	Court Docket No.	Date	Type of Statutory Duties At Issue	Important Case Events	"Similar Cases"	Amount of Settlement
B18	State of Illinois, et al. v. Johnson	N.D. Ill. 06-cv-6909	9/17/07	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Answer Case management conference Consolidation of three cases Consent Decree Settlement of fees	✓	13,771.00
B19	Sierra Club v. EPA	N.D. Ga. 07-cv-953	9/27/07	42 U.S.C. § 7410(k)(5): Require state to revise SIP provisions for power plant regulation		✓	7,843.00
B20	Sierra Club, et al. v. Johnson	D.D.C. 01-cv-1537	10/4/07	42 U.S.C. § 7412(c)(3): Promulgate standards for air source area toxics; 42 U.S.C. § 7412(c)(6): Promulgate standards for multiple categories of sources of hazardous air pollutants; 42 U.S.C. § 7412(d): Promulgate emission standards for 16 categories of major sources; 42 U.S.C. § 7412(k): Promulgate regulations for 5 categories of major sources; 42 U.S.C. § 7429(a)(1)(E): Promulgate standards for solid waste incineration units; 42 U.S.C. § 7429(a)(5): Promulgate performance standards for MWC units; 42 U.S.C. § 7511(b)(3): Promulgate emission standards for consumer products	Complaint Intervention of third parties Consolidation of seven cases Partial consent decree Cross-motions for S.J. Modifications to consent decree Settlement of fees		190,000.00

Exh.	Case Name	Court Docket No.	Date	Type of Statutory Duties At Issue	Important Case Events	"Similar Cases"	Amount of Settlement
B21	Sierra Club v. Johnson	W.D. Wisc. 07-cv-154	10/22/07	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Answer Consent Decree Settlement of fees	✓	3,454.66
B22	New Jersey Dep't of Env't'l Protection v. Johnson	D.N.J. 07-cv-0612	10/30/07	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Stipulation of Dismissal Settlement of fees	✓	3,700.00
B23	Sierra Club v. Johnson	D.D.C. 07-cv-1040	11/7/07	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Motion for S.J. (not litigated) Consent Decree Settlement of fees	✓	4,898.00
B24	Sierra Club v. EPA	D.N.M. 06-cv-663	11/11/07	42 U.S.C. § 7410(c): Issue a FIP to regulate emissions from Four Corners Power Plant	Complaint Intervention by third party Consent Decree Settlement of fees	✓	14,360.00
B25	Sierra Club v. Johnson	D.D.C. 07-cv-414	1/24/08	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Consent Decree Settlement of fees	✓	6,500.00
B26	Center for Biological Diversity, et al. v. Johnson	D.D.C. 05-cv-1814	1/25/08	42 U.S.C. § 7409(d)(1): Review air quality standards for 3 air pollutants	Complaint Answer Cross-motions for S.J. Consent Decree Settlement of fees		55,145.00
B27	Sierra Club, et al. v. Johnson	N.D. Ill. 06-cv-4000	6/4/08	42 U.S.C. § 7661d(c): Grant or deny operating permit for hazardous waste combustor	Complaint Motion to dismiss (denied) Motion to intervene Hearing on intervention Stipulation of Dismissal Settlement of fees		7,250.00

Exh.	Case Name	Court Docket No.	Date	Type of Statutory Duties At Issue	Important Case Events	“Similar Cases”	Amount of Settlement
B28	MacClarence v. Johnson	D.D.C. 07-cv-55 D.C. Cir. 08-5160	6/5/08	42 U.S.C. § 7661d(b)(2): Respond to petition to object to grant of permit	Complaint Stipulation of dismissal Litigation of fee motion Appeal by United States Settlement of fees	✓	14,346.10
B29	Association of Irrigated Residents, et al. v. Johnson	N.D. Cal. 08-cv-227	12/5/08	42 U.S.C. § 7410(k)(2): Approve or disapprove state-submitted SIP	Complaint Answer Consent Decree Settlement of fees	✓	44,566.00
B30	Communities for a Better Environment, et al. v. EPA	N.D. Cal. 07-cv-3678	1/26/09	42 U.S.C. § 7409(d): Review of air quality standards for carbon monoxide	Complaint Answer Case management conference Cross-motions for S.J. Settlement of fees		65,000.00